

Cp343.1
G869wa

Waddell

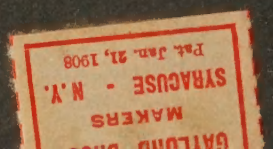
Speech for prosecution in the trial of
Dr. Eugene Grissom.



**Library of the
University of North Carolina**

Endowed by the Dialectic and Philan-
thropic Societies

P343.1-G869wa



M. H. S.
C. H. N. N. C.

SPEECH
OF
HON. ALFRED M. WADDELL,
Of Counsel for Prosecution,
IN THE
TRIAL OF DR. EUGENE GRISSOM,

Supt. of the N. C. Insane Asylum,

JULY 18, 1889.

RALEIGH:

E. M. UZZELL, STEAM PRINTER AND BINDER.

1889.

1849.9.6

Cp 343.1
G86w

SPEECH.

Mr. President and Gentlemen :

Wearied as you necessarily are by your long continued sittings in this investigation, and satiated, as you must be, with discussion, I feel that in closing this debate I should be as brief as duty will permit, and such will be my aim. Further argument may be unnecessary, but a summary of the leading facts, and a reply to what has been said in behalf of the respondent, may possibly help you toward a just determination of the issues presented, and is necessary to a proper discharge of the duty devolving upon me.

Gentlemen, when I left my home in answer to the call for my services in this case it was with the honest hope that the accused might establish his innocence of all the very grave charges which had been brought against him—a hope based not only upon that regard for the honor and welfare of my native State which ought to inspire all of her sons, but also upon a kindly sentiment arising out of an acquaintance with Dr. Grissom from my boyhood. I came with a judicial mind, and the first words I said to my associate counsel upon my arrival were that if the allegation that a conspiracy existed to destroy the accused was justified by the evidence I would be the first person to denounce it. Alas! sirs, this allegation of conspiracy, upon which his defence is based, has dwindled into a fruitless attempt to excuse himself from responsibility for the offences alleged against him by showing that another for whom he was responsible has also been guilty of as great offences. The allegation is more than fruitless. It is admitted to be untrue so far as John W. Thompson is concerned. Not one of the counsel for Dr. Grissom has ventured to utter a word reflecting upon the character or the motives of Mr. Thompson. He stands before you—the defendant

and his counsel themselves bearing witness to the fact—an honorable, kind, intelligent, big-hearted, generous man, who would scorn a mean act; and they but echo the universal voice of all who know him when they attribute to him such a character.

Recognizing the force of this pregnant fact, and driven to the necessity of finding some sufficient motive for Mr. Thompson to engage in what they have persistently and vociferously declared to be a wicked and malicious conspiracy, they say that this big, strong, honest and sensible man has been led into it like an imbecile by the wily hand of young Dr. Rogers—that, like the Moor of Venice, he opened his ears to the poisonous words of this Iago, until they drove him blindly to do a desperate deed. Ah! gentlemen, there *was* a Desdemona in this case, but John W. Thompson had no interest in her—there *was* jealousy, as testified to by one of the defendant's own witnesses, but the green-eyed monster never fastened his fangs upon the heart of John W. Thompson. There was nothing in that heart upon which a cunning Iago could play until it was lashed into fury.

John W. Thompson had nothing to gain by prosecuting Dr. Grissom, even if he was convicted, while he had everything to lose if he was acquitted. He already had all he could hope to get at the Asylum. He had been the Steward for eight years, and, being in good repute with everybody, could continue to hold the position as long as he pleased. He knew that Dr. Grissom wielded a wide-spread and powerful influence all over the State, and that in arraying him before this Board and the people of North Carolina he was assaulting one who for years had exhausted every resource of a fertile brain in fortifying his position. He fully realized the situation, and yet, with a heroism seldom exhibited under such circumstances, he manfully marched out with the banner of truth and purity and justice in his hand to fight the battle-singlehanded if necessary, in behalf of the good people of North Carolina. He repudiates with contempt the allegation that he is the victim of the cunning wiles of Dr. Rogers or anybody else. He said frankly while on the witness stand, in answer to the question of counsel

why he had so long delayed action in this matter, that it was one of the sins he had to answer for. He stood what he knew was going on in this institution as long as he could, but, when he became satisfied that it was being transformed into a harem, and the evidence of it was becoming plainer each day, he could and would stand it no longer, and resolved to expose these iniquities to the public gaze. He is no tool in the hands of Dr. Rogers! He is no fool or weakling, but a man, every inch of him, mentally, morally, and physically, a man who fears God and speaks the truth, and who would wrong no human being intentionally.

The counsel who opened this discussion, speaking of the history of this institution in connection with a eulogistic biography of Dr. Grissom, said that the unhallowed hands of political partisanship had never been and would never be placed upon it, and he alluded to that sad period of the history of North Carolina directly after the war when she was humbled in the dust. This was an unfortunate reference, indeed, for his client, and it relieves me from any obligation not to refer to a subject to which otherwise I would have made no allusion. Does counsel suppose that the people of North Carolina have forgotten or ever will forget those days, or the part that his client played in them? Is he trying to remind us that Dr. Grissom enjoyed the distinguished honor of presiding over the first convention of those who took possession after the war, and organized hell in our State? Does he remember how that good man and venerable physician, Dr. Fisher, was displaced from the superintendency of this institution? How, after much dirty intrigue, the first notice Dr. Fisher received of his removal was when that "hairless Celt," Tim Lee, the carpet-bag sheriff of Wake county, appeared at the door of this institution and notified him to get out, as Grissom was ready to take charge? Verily, it cannot be denied that for nineteen years past the hands of political partisanship have *not* been laid upon this institution when they might very well have been, and no living man has such cause to be grateful for it as Dr. Grissom.

All this is irrelevant to this case, but so was the biographical sketch of Dr. Grissom as a mason and a physician, which counsel read, and it is to complete the biography which he left unfinished that I add these little items.

Gentlemen, when the shock of this great scandal startled the people of North Carolina they, with that spirit of fairness and enlightened justice which has always characterized them, turned their gaze anxiously towards this capital and waited for the testimony before forming a judgment in the case.

Since the testimony has been given that look has hardened into one of stern determination, and the hot breath of their righteous indignation fills the air. The thanks of the people of North Carolina are justly due, and I am sure will be cordially given, to those who have unearthed these wrongs, and especially are they due to the able, and faithful, and indefatigable counsel with whom I have the honor to be associated here, for the valuable service he has rendered to them, and to the cause of good government. They have experienced a humiliation in the discovery that rotteness exists at the very core of their system of charities, but while they wince beneath the blade that cuts it out they will bless the hand that guides that blade. North Carolina has been stabbed before, but thank God the blow has generally come from alien hands. If she has been a laggard in the race of so-called progress, she has been still slower in acquiring some of the baser arts that accompany it. It has been her chief glory throughout her whole history, in peace or war, that those to whom she confided her honor have been faithful to their trust. Accursed be the day that shall usher in a change of destiny for her in this respect! I sincerely trust that the developments made during the progress of this investigation may be promptly followed by a searching examination into every other public institution in the State, and that all who are intrusted with any public duty may be continually held to the most rigid accountability. By this means only can purity and honesty of administration be secured, and the public interests be protected.

Surely, surely, if there was one institution in our State where the people had a right to expect to find a pure and humane administration; if there was, within all her wide borders, one spot where they might justly hope to see prevailing the virtues which have elevated and ennobled our race, it was here, where, by awful contrast, God's lesson of RESPONSIBILITY is hourly taught. But those who have so trusted—and they were the great body of the people—have been rudely awakened to a realization of the fact that even in this sanctuary of the afflicted the trail of the serpent has been made, and that its chosen High Priest—he who should have been its faithful servitor and guardian—has yielded to the tempter and done grievous wrong to them, to this asylum and himself.

Am I using the language of exaggeration? Let us see.

It is not my purpose to discuss at any length the second and third charges—cruelty to patients and the misappropriation of property—because they have been the theme of my associate's powerful and exhaustive argument; but I will refresh your memory a little in regard to them, beginning with the last charge, and taking them, as Gov. Jarvis did, in reverse order.

Counsel affected to treat with contempt the allegation that Dr. Grissom had misappropriated the property of the institution, and asked if we would not abandon that charge as trivial. I replied that we abandoned nothing, for we had proved all, but that, speaking for myself, I would say that the actual amount of misappropriation, showed by their own witnesses, was not so large, *when compared with the enormity of the other offences*, as to demand a great share of our attention. It is to be remembered that the amount of these peculations is exclusively within the knowledge of the accused and his immediate friends, and that all we could hope to establish was the fact that *a system* of peculation had long existed, and to prove it by such particulars as we could get out of his witnesses. Well, did we prove the system and the particulars? Did we not prove that, in regard to some matters, the Superintendent and matron actually *ordered* the housekeeper to make a *false* report? Did we not prove that out

of 3,000 bunches of celery raised here only 1,444 bunches were given to the patients, and the rest were disposed of in some other way? Did we not prove that out of 90 turkeys raised and bought last year the patients only got 35, while Dr. Grissom got 41, leaving 14 still here? Did we not prove that liquors in considerable quantities, and on numerous occasions, were sent away from the institution? And did we not prove that, in addition to the acknowledged debt of \$500 for supplies, due for two years, other supplies were sent to the Superintendent's table, and entered on the books as "light diet" for the patients? How much of this sort of thing has been done we don't know, and have no means of ascertaining, but the law forbids *any* of it; and how you can say that Dr. Grissom has not misappropriated the property of the institution I do not understand. The people of North Carolina are willing to be taxed for the benefit of the insane, but they are not willing to submit to taxation for the benefit of Dr. Grissom and his friends.

But this charge of misappropriation, established as it is, almost sinks into insignificance by the side of the other two charges of cruelty and immorality.

The history of the treatment of the insane and the management of asylums has been learnedly and ably discussed by my associate, and the cases named in the specifications under the second charge here have been dwelt upon by him at great length. I shall, therefore, not occupy much of your time with them, but will confine myself to only two or three of them, in a brief and general way, in reply to what has been said in defence of Dr. Grissom. As to the advisability of the use of some sort of mechanical restraint (for the prevention of injury to themselves or other inmates) upon the *violent and dangerous* insane, it is not worth while to enter into any argument. There is a difference of opinion among alienists, however, even as to such cases. In Europe and in many institutions in this country such restraint is entirely abolished. Nowhere is such restraint ever used as punishment. To *punish* an insane person is to commit an act of wholly inexcusable brutality, and ought to be everywhere, as it

is in England, a statutory misdemeanor. In the cases brought to your attention in which Dr. Grissom is charged with cruelty it has not been pretended that the patients were strapped to prevent them from doing injury. In every instance, except one, the strapping was done *after* the cause of it had passed. According to Grissom's own statement it is clear that such was the case in regard to Miss Foy, Henry Cone, J. D. L. Smith, Mrs. Overman, Mrs. Lowther, and Upchurch, not to mention the minor cases. Dr. Grissom said that in every case what he did was intended not as punishment—oh! no, perish the thought!—but “to make a deep mental impression as to the impropriety of their conduct”!

Well, that is a pitiful juggling with words. One of the purposes of all punishment is to make a deep mental impression as to the impropriety of doing the thing for which the punishment is inflicted. But with an insane person what does a deep mental impression of this kind amount to? Mr. Guthrie, the able lawyer, who testified (for Dr. Grissom) as to his own treatment and that of others while he was temporarily insane and an inmate of this institution, and whose statement was so interesting, said that while he knew and remembered everything that occurred perfectly well, he could not control himself at all; and so it is with other insane persons. They are keenly alive to any indignity or injury done to them, but, although conscious that they may incur it, they cannot help themselves; and, therefore, such “deep mental impression” as Dr. Grissom inflicted upon them could not prevent the “impropriety” from occurring again, while it only aggravated their sufferings. But it so happened, as confessed by Dr. Grissom, that in several of these instances the “deep mental impression” was made by him when very angry with the patient. He says in regard to one of them that he “was powerfully overcome by anger” upon receiving an insulting note from the patient, and proceeded thereupon—not to punish him, oh! no, certainly not—but to make “a deep mental impression upon him” by applying his machine of torture for some hours. In fact, it does not appear

in any case that he did this in the cool, dispassionate spirit of a ministering physician, or even with that degree of pitying sympathy with which he kissed Mrs. Perkinson. *Her* sorrows touched his heart, it seems, but *their* hopeless affliction was not even a shield against his violence. Is not this fact enough of itself to show that Dr. Grissom is not a fit man for his position? His "deep mental impressions," too, according to the witnesses, produced no beneficial effect upon those who were subjected to them, but, on the contrary, in Smith's case, at least, they made him worse—or, as one of the witnesses testified, "meaner"—than he was before. Is it not remarkable that, even in the cases where Dr. Grissom admits the "deep mental impression" dodge was played, he denies that the occurrence took place as described by the witnesses, in each and every one of them? Two unimpeached and unimpeachable witnesses (Mr. D. K. Farrell and Mr. J. A. Norwood) swore that he *choked* Henry Cone *severely* and threw water in his face—the former testifying to such an occurrence in 1885, and the latter to a similar one in 1887, when he also put his foot on him. But Grissom, while admitting the throwing of the water, denied the choking, and told us that ridiculous story about his placing his hands on the sides of Cone's neck to hold him off, and stop the congestion. He threatened to kick Smith, abused him, told him he ought to be in the penitentiary, and had him strapped a long time, because he wrote him an insulting note; but this was not punishment, he says, for he wouldn't punish a patient; it was only to make "a mental impression as to the impropriety of his conduct." Old Mrs. Lowther, a poor, feeble, old woman, spat at or abused him, according to the report of an attendant, and he had her strapped to the bed in that position of torture *for two days, and two hours after she was released she died, and no report of the cause of her death was made, although all other deaths with the cause of death are invariably reported.* It has been asserted, or intimated, that the strapping had nothing to do with her death, and that she died of heart disease. Why, then, was it not so reported? And, if it was heart disease, is it not the most

reasonable conclusion that it was produced by her struggles to free herself from the terrible restraint and the result of congestion? I will spare you the contemplation of such a picture as might be drawn of that aged woman, writhing in the harness which bound her to the rack, and the supposition that she was *your* mother or wife, but will leave that to your imagination.

And now, gentlemen, one steady look for a moment at Upchurch's case, and I will leave the second charge in this arraignment.

Something was said about candor by counsel on the other side. Why did not Dr. Grissom come out like a man at the beginning of this investigation and confess his guilt as to Upchurch's case? Why did counsel wait until driven to the wall by overwhelming proof before they admitted that he had perpetrated that infamous outrage? And why, when thus driven to the wall, did they despairingly turn around and try to throw the blame of this confessedly inexcusable crime upon Mr. Thompson?

A wretched maniac is thrown to the floor by three strong men, who hold him powerless on his back, and this gentle and humane Superintendent walks up to him, and, with the weight of his two hundred pounds of flesh, *stamps him in the face*, saying: "You d—d son of a ———, how does that feel?" And the only thing counsel have to say is that if John W. Thompson had gone to his assistance it would not have happened!! I refuse to dignify such a pitiful plea—a plea so insulting to your common sense—with any argument, but will leave it to your commiseration.

And now, although counsel have affected to pooh! pooh! it, and whistle it down the wind as of no consequence, I will proceed to discuss the gravest charge brought against Dr. Grissom.

The first charge against Dr. Grissom is that he has been guilty of gross immorality in connection with the female attendants of the institution, and others. Has this charge been sustained by the evidence adduced? We introduced three witnesses to prove it in the case of Miss Burch, and two witnesses to prove it in re-

gard to others. Each of these witnesses (except the poor colored boy, Emanuel Jones) has established a character for veracity by the mouths of many witnesses, and each swore absolutely and unequivocally to the facts in the respective cases named in the specifications. How does the accused meet this proof? By a denial of the facts and an attempt to discredit the witnesses. He was the first witness in his own behalf, and, taking the charges and specifications *seriatim*, he flatly denies every damaging statement of the witnesses for the prosecution in regard to each and every one of them. It is, gentlemen, manifest that there has been an immense amount of false swearing in this case by somebody. There has been lying by wholesale and retail either against or in behalf of the accused. There has been no room for mere differences of memory or judgment. The unmistakable odor of perjury is perceptible in the atmosphere of this case.

Whence does it come? With sincere sorrow I ask you if the evidence does not justify the belief that some of it, at least, comes from those lips whose sympathetic touch was so gratefully received, as they themselves tell us, by the wife of an humble employee of this institution—from those lips, which, kindling with an increasing fervor, sought again and again, as that wife tells us, to meet her own—which asked her to dishonor herself, her husband and her sick child by becoming a prostitute, and which, when that proposition was indignantly rejected, pitifully begged that she would not tell her husband, and offered hush-money to secure secrecy—from those lips which also “sympathized” so strongly with a seventeen-year-old girl who was an attendant, that when sick in bed she was solicited by them to submit to a kiss first, and afterwards to personal degradation—aye, gentlemen, from those lips which, fresh from contact with the volume of God’s Holy Scripture, by which they swore to speak “the truth, the whole truth and nothing but the truth,” denied the truth of almost every material allegation sworn to by a cloud of respectable witnesses?

In regard to the first charge, that of immorality, he positively swore that it is absolutely false in every particular under every

specification, only admitting that he had kissed Mrs. Perkinson one time when she was in trouble, "out of sympathy." As to Miss Edwards, he swore that her testimony was a "a tissue of falsehoods from beginning to end," with the exception of one immaterial fact, and he swore that the testimony in regard to Miss Burch was wholly untrue. So that he makes a general denial of the whole and a special denial of each particular allegation.

I shall invite your attention for a few minutes to the testimony of Miss Edwards. It would be uncandid in me if I did not say to you at the outset that I recognize the fact that the discovery and publication of Dr. Rogers' letter was calculated to discredit any testimony of which he might be supposed to be the originator, or any young woman with whom he might be supposed to be on terms of intimacy. And yet, when you come to consider with fairness and justice all the facts sworn to by Miss Edwards, and all the facts offered for the purpose of discrediting her, it is impossible to disregard her testimony. She is a young person, she is very sprightly and pretty, and correspondingly giddy. She was manifestly a cause of jealousy between two men, and openly declared, according to Mrs. Williams' testimony, that she and one of these men were "sweethearts." The other and older man tried to take liberties with her, which she resented; then finally, when the fight came between these two men, she came here and told what she knew against the one whom she disliked. That is about the sum of it. In regard to some trifling matters she was contradicted, it is true, but they were matters about which it was perfectly natural, and, I may say, legitimate, for her to conceal the truth. She met Mr. R. H. Whitaker on the train, and he says she spoke highly of Dr. Grissom, and said she expected to return to the Asylum. Mr. Whitaker was an utter stranger to her—she had never seen him before. Is it to be supposed she would have unbosomed herself about what Dr. Grissom had done to this perfect stranger, who only rode a few miles with her on the train?

The only other matter about which unfavorable comment could be made was her introducing Dr. Rogers under a false name to Mrs. Williams ; and remember Mrs. Williams herself says that Miss Edwards excused herself for this upon the ground that there was jealousy about her, and she didn't want it known that Rogers had visited her there.

She openly declared to Mrs. Williams that Rogers was her sweetheart, and she didn't care who knew it. I must confess that, such being the case, it is not very surprising to me to learn that Rogers was seen with his arm around her waist, but I would rather have some other proof of it than the word of a woman who said she saw it on a pitch black, rainy night, just after leaving a bright light. I don't mention the other witness, young Williams, who peeped through the blinds, because counsel insist that a man who will peep, like King did, ought not to be believed on oath. Perhaps there may be a difference in the degree of credibility to be attached to one who peeps through blinds from that due to one who peeps through a key-hole, although I do not remember to have seen it laid down in any work on evidence ; but I will be more liberal than the counsel, and say frankly that I have no doubt Rogers actually did sit on the sofa with his arm around her. It seems to me that I've heard of sweethearts doing that before. But, gentlemen, does that involve any moral turpitude in the young lady ?

Are you prepared to say that any young lady who will permit her sweetheart to put his arm around her waist thereby justifies the suspicion that she is devoid of truth and virtue ? Hardly. And yet this is the very worst thing that has been proved against Miss Edwards, and on the strength of it you are asked to say that all the evidence she has given in this case is false. Dr. Grissom swore it was "a tissue of falsehoods from beginning to end," and yet, as my associate so clearly demonstrated to you, he himself corroborates her testimony in regard to his cruelty to patients. Why should it not be true as to his attempts upon her virtue ? She is the daughter of a respectable physician, and has proved by a number of witnesses an excellent character, and she

says that Dr. Grissom on several occasions made these improper advances to her. Counsel ridiculed as palpably false her statement that Grissom talked to her about running away with him, and says the idea of a man of his position, with a family, running away with a girl is absurd on the face of it. Certainly it would be absurd, and I have no idea that Dr. Grissom ever contemplated any such thing, but whether he tried to make her believe he would in order to accomplish a purpose is quite another matter, and not so absolutely incredible on the face of it. With this brief notice of Miss Edwards' testimony, I pass on to what I consider a more important matter.

Now let us for a few minutes consider the case of Mrs. Perkinson. Dr. Grissom says she told the truth about his kissing her "through sympathy," but that she swore falsely as to the other kissings and attempts at kissing. He admits that his first kiss was unfortunate, and I think everybody will agree with him. It was very unfortunate—it was, in fact, a calamitous osculation, because it stirred from his lair the devil of lust, who from that hour began to exhibit himself whenever Mrs. Perkinson came into Dr. Grissom's presence. Hear the pitiful story of this poor woman as gathered from the testimony. (Colonel Waddell then read the testimony of Mrs. Perkinson). Harassed by poverty—seeing not far from her door that gaunt spectre in whose presence the stoutest heart will quail—with her husband unemployed, and knowing not where to turn for help—she goes to Dr. Grissom and with tearful pleadings appeals to him to give her husband work by which he might feed his little ones.

Unable to resist her earnest prayers, and yielding to the better instincts of his nature, he complies with her request—and if he had dismissed her with words of kindness only it would have saved him a load of misery. But right then and there the tempter entered into his heart, and drove him to the first act of what he hoped would be a career of pleasure, but which has proved to be a tragedy. It whispered to him, "Now is your time to feel the way; kiss her through sympathy and if she takes it kindly you can kiss her again, and go on kissing her." He did kiss her

through sympathy, as she thought, and as he says, and receiving no rebuke for it, he felt that the case started out well and there was a good time ahead of him; but

“Oh! what a tangled web we weave
When first we practice to deceive.”

It was the Genesis of an Iliad of woes for him. I will not go over all the story told by Mrs. Perkinson. You remember it, and the minuteness with which Mrs. Perkinson gave her evidence, and you also remember—what is quite as important—her demeanor on the witness stand; and you cannot forget that a large number of highly respectable witnesses gave her not only a good character, but a remarkably high character from her childhood to this hour. Several gentlemen who knew her when they were students at Wake Forest College and she was at Mrs. Purefoy's school testified that she was always remarked upon for her singular modesty and lady-like deportment, and some of them, especially Mr. Holding and Mr. Denmark, said they knew her general character to be as good now as it was then, the latter saying that it was as good as that of any lady in North Carolina.

And yet, gentlemen, you saw the pitiful attempt made in her case, as in that of other important witnesses, to discredit her and make it appear that she, too, was swearing to a lie. The only witness was an old lady who disliked Mrs. Perkinson's family because her brother had run away with and married the old lady's daughter. This old lady said she didn't think Mrs. Perkinson's character was very good, and was allowed to leave the witness stand without cross-examination, because we knew what we could prove to the contrary. The last witness, you will remember, said that only last Sunday he heard a large number of the women at the church where Mrs. Perkinson used to attend expressing astonishment that any one should assail her character.

You have no right to consider what counsel said he expected to prove by a witness about Mrs. Perkinson, because the testimony was excluded. Counsel ought not to have said it, but as

he did, I will say that I am authorized to assert that if the witness had sworn to it he would have lied.

Well, here, gentlemen, you have a woman who has proved as good a character as any lady in North Carolina, swearing that Dr. Grissom, after kissing her, as she thought, through sympathy for her distress (which he admits to be true), tried afterwards to take liberties with her—and Dr. Grissom swearing that it is absolutely false. I do not care to dwell on this specification farther than to say that I never in my life saw a woman on the witness stand whose whole conduct and demeanor was more modest and lady-like, whose story was told with more simple naturalness, and who sustained herself better under a severe cross-examination than Mrs. Perkinson did. She is a poor woman who makes an honest living by hard work, and is respected by her neighbors, according to the testimony. If she has told the truth, is it not doubly hard on her and doubly infamous in Dr. Grissom to first attempt to seduce her, and, failing in that, to attempt to blacken her character when she testifies against him?

And now, gentlemen, I will proceed to consider the first specification under the first charge. I confess that there is an inexpressible sadness about the case of Miss Burch from any point of view, and there are horrors *suggested* by it that are enough to sicken the soul. In dealing with it I realize the impotency of any language at my command. I feel as if I was entering a charnel house, and being forced to commit an act of desecration, and this, too, upon any theory of the evidence. And yet, gentlemen, I cannot drive away the thought which haunts me that if she is conscious of these proceedings, which God forbid, even the shame with which they will overwhelm her will be swallowed up in the satisfaction of knowing that retribution has overtaken him who wrought her ruin. How lame, and how poor and weak is the story told by the accused to explain away the evidence of Mr. King and Emanuel Jones and Mr. West in regard to what occurred in the matron's bedroom! Having listened to all they said before going himself upon the witness stand, and knowing

that a simple denial would not answer, and having abundant time to invent a theory and abundant capacity to do so, he tells a tale that he thinks will fit the facts sworn to.

Ah! gentlemen, it was ingenious, but it will not do. It lacks those elements of probability which are absolutely necessary to carry conviction against such direct and positive testimony.

Let us dissect this story. He says this poor lady consulted him as to a complaint incident to her sex; that he had reason to attribute it to a certain cause which required a private examination; that he made other examinations, generally in the matron's room, the matron sometimes being present in the adjoining room, and sometimes not; that he applied the necessary remedy and relieved the trouble to some extent, but not entirely, and that he never committed the act with which he is charged in regard to her.

You will observe that, according to this statement, the witnesses (King, Jones and West) are corroborated, so far as their evidence as to Dr. Grissom's and Miss Burch's visits to the matron's room is concerned, and also as to the matron's absence at the time, because he admits that his private examinations of Miss Burch generally occurred in the matron's room, and that sometimes the matron was absent. There is no conflict between their testimony and his as to those two facts. On the contrary, his admission directly supports what they said. So that out of the three facts, viz.: that they went together to the matron's room, that she was absent, and that the occurrence took place there, two are proven; and as to the other fact—the act done—we have the oaths of two eye-witnesses against the oath of the party charged with the act, and, of course, vitally interested in disproving it.

Now the rules of evidence and the dictates of common sense demand that unless it has been shown that Mr. King and Emanuel Jones are wholly unworthy of credit—that they ought not and cannot be believed on oath when testifying to a fact which they say they saw with their own eyes, and in regard to which there appears no motive for them to swear falsely—this

Board or any other tribunal before which such testimony is delivered would not be justified in refusing to believe it.

Is there any evidence before you to show that Mr. King is a man who is unworthy of credit? On the contrary, has he not proved by some of the most respectable citizens of the State that he is a man of unimpeachable character? He is, to be sure, only a poor mechanic who makes an honest living by the sweat of his brow, and perhaps it may be a great crime for an humble man like him to testify against a man of influence and power like Dr. Grissom; but he was a brave Confederate soldier who fought four years for the honor of North Carolina, and his neighbors and all who know him say he is honest and truthful, and that no man can impeach him on that score.

One ground of attack on him by counsel was, that seeing a suspicious state of things, he took the only means of verifying his suspicions by peeping through a key-hole, and they denounce such conduct as incompatible with the character of an honest and truthful man. Counsel grew eloquent in their scorn of such an act, and said that no man who will do it is worthy of belief under oath, and yet I venture to say that they would not apply that rule to every adulterer, for instance. But which of the two acts is it that necessarily makes its perpetrator a liar? It is no crime, it is no violation of law, human or divine, to peep through a key-hole, but it is a violation of both human and divine law to commit adultery. If, therefore, adultery does not disqualify a man to speak the truth (and counsel will not say that), why should peeping through a key-hole do so? It will not do to say that although Mr. King proves as good a character for truth and honesty as any man can, yet you must believe that he has come here and perjured his soul simply and solely because, suspecting a wrong, he peeped through a key-hole to ascertain the truth of his suspicion. It was not polite or refined to do it, to be sure, and probably neither of you would do it, but it is not a crime, and it doesn't follow that because King did it he cannot be believed on oath, notwithstanding he has proved a good character.

But they say it was a physical impossibility for King and the boy Jones to see what they said they saw; and counsel got an expert to come here and examine the locality about dusk one evening last week, and to take measurements from the key-hole, and so forth. They introduced the expert (Mr. Ashley) and his drawings with an air of satisfaction that was pleasant to behold, and they questioned him minutely as to the lines of vision from the key-hole, and how much of the bed in the matron's room could be seen, and the like. But when my associate finished cross-examining Mr. Ashley and you had all gone to the key-hole, and looked for yourselves, how much was left of the argument about the physical impossibility of seeing such an occurrence as King and the boy swore to? Not a shred. They said King could not possibly have seen from the stage, whether the door of the matron's sitting-room was open or shut, and that he couldn't hear it shut from there; and yet the expert said that, although he thought upon his examination late in the evening that such was the case, he found upon second trial, at a different time of day, that both were quite possible. According to the careful measurements of their own expert, too, it appeared that the *least* space on the bed visible from the key-hole was $11\frac{1}{2}$ inches near the foot, and the greatest space (I believe) $27\frac{1}{2}$ inches in the middle of the bed, *as placed now*. This would have been amply sufficient for the sight King said he saw, but it appears that the bed was a small iron one *on rollers*, and nobody can say that it might not have been exactly in the position described by the witnesses, which was just as probably its position as any other. But you all have inspected the premises for yourselves; you have examined with your own eyes, and there is not a member of the Board who does not know perfectly well that so far from being a physical impossibility it was a very easy matter for a man looking through the key-hole to ascertain in a second what was going on in that room. Do you believe that, without motive to do such a thing, a man who can prove a good character would come before this Board, or any other tribunal, and deliberately

swear to a lie for the purpose of ruining an innocent man? What motive has been shown in this case? None whatever. The only attempt to show a motive in King that has been made was so utterly inadequate to that purpose as to excite a smile. It was this : that just before these charges were filed, in an interview with Dr. Grissom, and when the latter had persisted in asking him a question many times over, King got mad and told him he must not ask him again! And you are asked to believe from this that a sufficient motive existed to induce King to come here and commit perjury by swearing to a fact which never occurred!

Much is made of the fact that King signed a paper saying that he knew of no immorality committed by Dr. Grissom. King swore that the part about immorality was not in the paper when signed by him, and in corroboration of this I want to read to you what Dr. Grissom himself swore to. (Colonel Waddell here read Dr. Grissom's testimony as to the interview between King and himself).

Now, if King had already signed the paper saying he saw no immorality, why did Dr. Grissom afterwards continue to ask him if he said he had seen none? And why did King avoid the question? And, when King said that he would "tell about it when this thing blows over," why did Dr. Grissom say, "It might be *too late*"? Why was he so anxious about getting a verbal answer to the particular matter about immorality and not about any other part of the paper if he already had it down in black and white over King's own signature? Why did not King say, "You already have my statement to that effect in writing, and what are you asking me about it again for?" And why did he refuse to answer? And why did Grissom think he was bullying him? And why did he talk about killing King? The answer to these questions is apparent. It is that King, knowing there was nothing about immorality in the paper which he signed, and, being again subjected to questions about it after refusing to answer in the first instance, became naturally indignant and demanded that Grissom should stop his questions. And here, according to Grissom's own testi-

mony, occurred one of the most remarkable illustrations of the fable of the wolf and the lamb that ever happened. An employee is sent for by the most absolute autocrat in North Carolina to come to his office, and upon his arrival there is plied with questions about that autocrat's moral conduct. He is told there might be bloodshed, but declines to answer, and finally tells the autocrat that he had already asked the same question four times, and he wanted him to stop, and thereupon the autocrat says, "*You are trying to bully me, and if you do I will kill you!*" Why, gentlemen, it is true that Dr. Grissom, like him of old, is a man in authority, and saith unto this man "go," and he goeth, and to that woman "come," and she cometh, but the Czar of Russia himself couldn't do an act of more absolute despotism than to threaten to kill a man because he declined to answer questions, especially if the man knew that a truthful answer would give mortal offence.

Another hope that counsel seemed to indulge was that they had caught King flatly contradicting himself by saying at one time that there was no one else on the third floor of the building at the time he saw Miss Burch and Grissom go into the matron's room, and at another time saying that he saw the boy Jones peeping.

One of the newspapers did report King as saying there was no one else on the *floor*, but the stenographer's report shows that he did not say "floor" but "stage"—that there was no one else on the *stage* but himself at the time—and Mr. King was recalled to correct the newspaper report, and not to correct anything he said.

Now, how are you going to get rid of Mr. King's testimony, corroborated as it is by the boy (Jones) in every particular, corroborated by Mr. West as to the visits to the matron's room on two occasions under exactly similar circumstances, and corroborated by Dr. Grissom's own confession that he and Miss Burch went there more than once in the absence of the matron? Of course, if you are going to start out with the proposition that everybody except Dr. Grissom has lied, you can get rid of it

very easily ; but by what right and upon what theory can you say this?

I do not choose to repeat the details of King's testimony as to what he saw. You all remember them, and you know that they are utterly irreconcilable with the theory that Dr. Grissom was making an examination. In the first place every physician on this Board knows very well that it is not only not at all necessary, but is not at all usual—in fact, that it rarely or never happens that any lady, particularly a respectable single woman, should be subjected to any exposure, much less to such as was testified to by Mr. King, in order to discover what Dr. Grissom said he thought was the matter with Miss Burch, or to remedy it; and any physician who would be guilty of such brutality is unfit to practice that glorious and honorable profession. No, gentlemen, that suggestion, which is the only one offered to explain this transaction, is palpably a false one. It will not do; it is too thin. There is no alternative for you. Either Mr. King, a man of proven truthfulness, whose character has not been and cannot be impeached, has come here and, without any motive for so doing, deliberately and maliciously sworn to a lie, or else Dr. Grissom is guilty of this specification, and if he is that ends this case. But there is quite as strong evidence, outside of what King and the other witnesses swore to, and this evidence is furnished by Dr. Grissom himself and by two of his own witnesses, namely, Mrs. Burch, the mother, and Mrs. Sechrest, the sister, of Miss Burch. I was touched deeply when that old lady, with child-like simplicity and faith in the story she had been made to believe, described her daughter's condition before she came to this institution, and when she visited her home in December last, and when she had become insane. She and her daughter, Mrs. Sechrest, supposing that they were strengthening Dr. Grissom's testimony, said that Miss Burch was suffering from the complaint described by him when she visited her home last December, and also when they came down here to see her after she became insane, and yet Dr. Grissom certified over his own signature, when Miss Burch was committed as an in-

sane patient, that she was *not* in that condition. The history of a patient's antecedents, when committed to an asylum, is required to be given with the most minute details, and for the very plain reason that it is necessary to a full understanding of the case and its consequent proper treatment. Now, you all know that there is no more common cause of insanity among women than a trouble of this kind, and it was, therefore, of vital importance, if she was then afflicted in that way, or even if she had recently been afflicted in that way, that the superintendent of the asylum to which she was sent should be advised of it. And yet when Dr. Grissom came to act officially in her commitment he said not one word about such a trouble, but, on the contrary, certified that her condition in that respect was "regular." (Colonel Waddell here read the certificate).

You will remember that, in order to avoid the suspicion which would naturally arise from the fact that he alone examined her, and that he alone visited her after her seclusion, he said that Dr. Burke Haywood was called in as consulting physician, and also Dr. Hubert Haywood, but mark the fact that although he says he discovered her insanity on the last day of February it was not until about the first of April that Dr. Haywood was called in; that Dr. Haywood never sat more than a few minutes at a time, coming twice a week; that he made no examination beyond feeling her pulse and only treated her medicinally. Mark, further, that although Dr. Grissom says that she had contracted the opium habit, yet after she became insane, according to Mrs. Burch, she suddenly exhibited a horror of any kind of opiate, and even refused to take medicine that *looked* like it had laudanum in it.

Gentlemen, since the world began, was it ever heard of that a victim of opium or chloral, so confirmed in the habit as to become insane from its use, suddenly quit and refused to take it, even when administered by a physician? I refuse to swallow any such statement. The only evidence that was offered to show that she had this habit was the declaration of Dr. Grissom that the poor woman, *after* she became insane, and while suffering from

acute mania, told him so, and the statement of her mother that she subsequently told her the same thing. And yet we are asked to believe that she suddenly so mastered this most enslaving of all habits that she not only stopped using any kind of opiate but exhibited the most intense aversion to it. It is barely possible that some member of the Board may believe this, but, if so, he will be the only man in North Carolina who will. So much for the case of Miss Burch, wronged and ruined woman, over whose memory of the past the Hand of Mercy has drawn the curtain of oblivion.

The counsel who addressed you yesterday said the "manhood of North Carolina stands for Nora Burch, the widow's daughter."

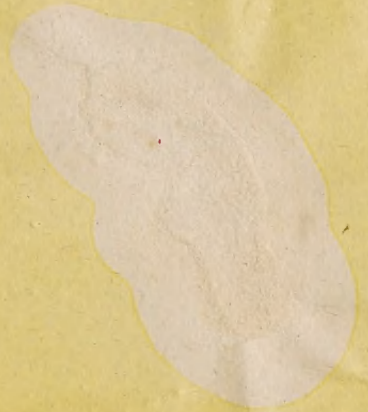
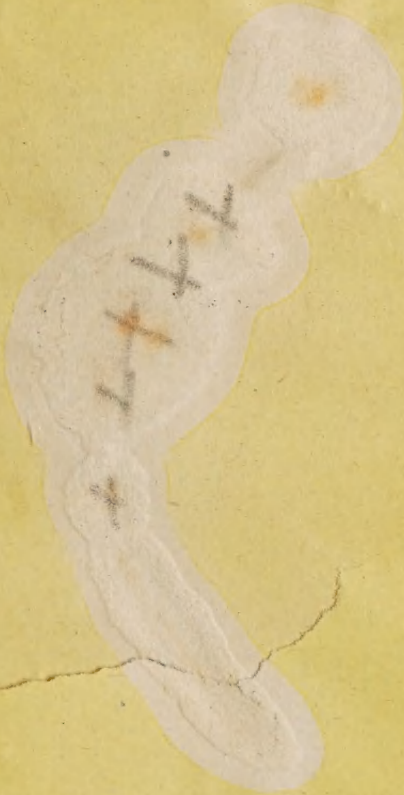
"I thank thee, Roderick, for the word."

The manhood of North Carolina does stand for Nora Burch, the widow's daughter. It stands with crest uplifted, and righteous wrath blazing from its eye, and be the judgment of this tribunal what it may, its voice will soon be heard like the leaping of the live thunder amid the crags, and in the sound of that voice there will be terror for him who has dared or who shall dare henceforth to do the deed which robbed the widow's daughter of her most precious jewel, and then drove her into a mad-house.

Counsel asked if she is to have no one to speak for her. Aye, the manhood of North Carolina stands for Nora Burch, the widow's daughter, and it will "plead trumpet-tongued against the deep condemnation of her taking off." Humbly claiming to represent some part, however small, of that manhood, I will speak for her, poor, afflicted and benighted soul, and I ask you in the name of God and of an insulted and outraged people to vindicate the wrongs of which she has been the victim, and by your verdict to set the seal of your and their condemnation upon him who in my heart and soul I believe to be the author of all her woes.

And now, gentlemen, I bid you farewell, and leave you to the discharge of the great and solemn duty which rests upon you, and for the performance of which fearlessly and justly in the sight of Him who searcheth the hearts of men, that great jury of the people of North Carolina, to whom the counsel have alluded, wait with absolute confidence.

a
of



875

5
15
26
15
74



83

16

15

12

16

8

16

UNIVERSITY OF N.C. AT CHAPEL HILL



00041090648

FOR USE ONLY IN
THE NORTH CAROLINA COLLECTION
